

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LATASHA MADISON, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )       No. 4:11CV238 TIA  
                        )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
                        )  
Defendant.           )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A). Plaintiff is the prevailing party in this action challenging the Commissioner of Social Security's denial of Plaintiff's application for Supplemental Security Income Benefits. Plaintiff's request for attorney's fees is supported by appropriate documentation.

Plaintiff seeks attorney's fees in the amount of \$1,563.58, which represents 8.8 attorney hours incurred at the rate of \$177.68 per hour. Plaintiff requests that the award of attorney's fees be made payable to counsel based upon the Assignment of Federal Court EAJA Attorney Fee agreement signed by Plaintiff. (Pl. Ex. 2, ECF No. 18-4)

Defendant filed a response to Plaintiff's motion, agreeing to the amount requested by Plaintiff. Defendant contends, however, that the EAJA fee is payable to Plaintiff and not counsel. Plaintiff has not filed a reply to the Defendant's response, and the time for doing so has expired. Defendant additionally states that upon verification of whether Plaintiff owes a debt the United States that is subject to offset, the fee may be made payable to Plaintiff's attorney based on the assignment.

The Court finds that Plaintiff is entitled to EAJA fees in the amount of \$1,563.58, payable to the Plaintiff as the prevailing party. Astrue v. Ratliff, \_\_\_ U.S. \_\_\_, 130 S. Ct. 2521, 2527 (2010) (holding that EAJA fees are payable to the prevailing party and may be subject to offset to satisfy any pre-existing debt owed to the United States). Although the Court acknowledges that Plaintiff has executed an assignment of fees, Ratliff specifically provides that an award of attorney's fees be made directly to the "prevailing party" despite such assignment. Id. at 2529; see also Sumpter v. Astrue, No. 2:10CV00035 AGF, 2012 WL 88088, at \*1 (E.D. Mo. Jan. 11, 2012).

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [Doc. #18] is **GRANTED** in the amount of \$1,563.58.

**IT IS FURTHER ORDERED** that said award shall be made payable to the Plaintiff.

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/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of July, 2012.